

Application No. 09/723,228

REMARKS

Claims 1-3, 6-8, 10-13, 16-18, 21-27, 29, 30, and 32-35 are pending. By this Amendment, claims 1, 17, 29, 32, 34, and 35 are amended, and no claims are canceled or added.

The claims have been amended to more precisely define the nature and scope of the invention and to correct minor typographical errors. Support for the amendments can be found at least at page 12, line 11 – page 14, line 31, page 17, line 25 – page 18, line 16, and page 23, line 30 – page 24, line 12, of the specification and FIG. 9 of the present application as filed. Therefore, no new matter has been added.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 6, 8, 10-13, 16, 17, 22-25, 27, 29, 34, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,487,538 to Gupta et al. (hereinafter “Gupta”) in view of U.S. Patent No. 6,470,079 to Benson (hereinafter “Benson”) and further in view of U.S. Patent No. 6,254,478 to Namanny et al. (hereinafter “Namanny”). Claims 3, 7, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta in view of Benson and Namanny and further in view of U.S. Patent No. 6,324,519 to Eldering (hereinafter “Eldering”). Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta in view of Benson and Namanny and further in view of U.S. Patent No. 5,970,471 to Hill (hereinafter “Hill”). Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta in view of Benson and Namanny and further in view of U.S. Patent No. 6,253,189 Feezell et al. (hereinafter “Feezell”). Claims 26, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gupta in view of Benson, Namanny, and Feezell, and further in view of U.S. Patent No. 5,892,554 to DiCicco et al. (hereinafter “DiCicco”). Claims 34 and 35 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Gupta in view of Benson and

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Namanny and further in view of DiCicco. Insofar as the rejections apply to the amended claims, the rejections are respectfully traversed.

In the present invention, a potential buyer can edit or change the size and the position of an image or a frame of the advertisement on an image of the article, by operating a mouse device, to meet advertising needs at an affordable price. The size and the position of the advertisement and the price are all displayed on the screen of the potential buyer's computer, facilitating purchase decision-making by the potential buyer. Accordingly, claim 1 recites the step of "displaying, on the terminal computer of the potential buyer, a page for designating a display position and a display size of the advertisement on the article as the advertisement will be displayed during the contest when the article is visible to an audience, wherein the page displays an image of the article and an image or a frame of the advertisement and is adapted to provide changing of the position and the size of the image or the frame of the advertisement on the image of the article through manipulation of the image or the frame of the advertisement with a mouse device of the terminal computer of the potential buyer."

Neither Gupta, nor Benson, nor Namanny, alone or in combination, teach or suggest this step of displaying, wherein the page displays an image of the article and an image or a frame of the advertisement and is adapted to provide changing of the position and the size of the image or the frame of the advertisement on the image of the article through manipulation of the image or the frame of the advertisement with a mouse device of the terminal computer of the potential buyer, as recited in claim 1 in combination with the other limitations of the claim. Although not cited with respect to claim 1, the remaining cited references also do not teach or suggest this step alone or in combination with the other steps recited in claim 1. DiCicco teaches that "a portion of the lower resolution representation of the reference array 48 is adjusted for translation (location) and zoom (size)" (DiCicco, col. 12, lines 33-37). Reference array 48 "in reality . . . is nothing more than a data table of landmark locations and types which encompass

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the entire scene to be panned” (DiCicco, col. 7, lines 8-11). The reference array 48 of DiCicco is not an advertisement or an image or a frame displayed on a page, and thus DiCicco does not teach or suggest changing the position and the size of the image or the frame of the advertisement on the image of the article through manipulation of the image or the frame of the advertisement with a mouse device of the terminal computer of the potential buyer, as recited in part in claim 1.

Claim 1 also recites the step of “transmitting . . . an indicator of advertising effectiveness for a contestant, wherein the indicator represents at least one of the following characteristics of the contestant: achievements of the contestant, popularity of the contestant, ability of the contestant, talent of the contestant, audience rating of the contestant, and sales amount of the contestant,” in combination with the other elements of the claims. None of the cited references teach or suggest such an indicator related to a contestant. The Office Action states that Gupta “indicat[es] monitoring effectiveness of said television or on-line program” (Office Action, page 2), not of a contestant. Refer also to page 3, first full paragraph, of the most recent Office Action.

Benson teaches a system and method for real-time reporting of advertising effectiveness (Benson, Title; Office Action, page 3, ¶ 2). The invention taught by Benson “allows a reporting-service subscriber to request reports, in real-time, on the effectiveness of an advertising campaign being undertaken by the service subscriber” (Benson, col. 3, lines 19-22). Benson is silent as to a contestant or the characteristics of a contestant recited in claim 1 of the present invention, and therefore does not teach or suggest the step of transmitting an indicator advertising effectiveness for a contestant, as recited in claim 1 of the present invention.

Namanny teaches that “contestants can wear clothing with a sponsor’s name or trademark or logo . . . of a competition sponsor during a competition” (Namanny, col. 5, lines

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59-67). Namanny does not mention or even suggest an indicator of advertising effectiveness for a contestant, or transmitting such an indicator, as recited in claim 1 of the present invention.

Further, none of the remaining references, although not cited with respect to claim 1, teach or suggest the method of claim 1. All of Eldering, Hill, Feezell, and DiCicco are silent as to the step of "transmitting . . . an indicator of advertising effectiveness for a contestant, wherein the indicator represents at least one of the following characteristics of the contestant: achievements of the contestant, popularity of the contestant, ability of the contestant, talent of the contestant, audience rating of the contestant, and sales amount of the contestant," recited in part in claim 1.

Therefore, claim 1 is allowable at least for the reasons discussed above. Claims 2, 3, 6-8, 10-13, 16-18, 21-27, 32, and 33 depend from claim 1 and are therefore also allowable at least for the reasons set forth above. The rejections of claims 2, 3, 6-8, 10-13, 16-18, 21-27, 32, and 33 are traversed but not expressly argued in light of the allowability of the underlying base claim.

Each of claims 29, 34, and 35 include limitations similar to the limitations of claim 1 discussed above. Claim 29 recites, in part, that "the page displays an image of the article and an image or a frame of the advertisement and is adapted to provide changing of the position and the size of the image or the frame of the advertisement on the image of the article through manipulation of the image or the frame of the advertisement with a mouse device of the terminal computer of the potential buyer," and that "the server computer is operable to transmit to a terminal computer of a potential buyer an indicator of advertising effectiveness for a contestant, the indicator representing at least one of the following characteristics of the contestant: achievements of the contestant, popularity of the contestant, ability of the contestant, talent of the contestant, audience rating of the contestant, and sales amount of the contestant." Claim 34 recites that "the page displays an image of the article and an image or a frame of the

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advertisement and is adapted to provide changing of the position and the size of the image or the frame of the advertisement on the image of the advertisement with a mouse device of the bidirectional communication terminal device of the potential buyer,” and also recites the step of “transmitting an advertising effectiveness indicator for a contestant to the bidirectional communication terminal device, wherein the indicator represents at least one of the following characteristics of the contestant: achievements of the contestant, popularity of the contestant, ability of the contestant, talent of the contestant, audience rating of the contestant, and sales amount of the contestant of the contestant.” Claim 35 recites that “the page displays an image of the article and an image or a frame of the advertisement and is adapted to provide changing of the position and the size of the image or the frame of the advertisement on the image of the article through manipulation of the image or the frame of the advertisement with a mouse device of the bidirectional communication terminal device of the potential buyer” and that the server computer is operable to “transmit to the bidirectional communication terminal device an indicator of advertising effectiveness indicator for a contestant, the indicator representing at least one of the following characteristics of the contestant: achievements of the contestant, popularity of the contestant, ability of the contestant, talent of the contestant, audience rating of the contestant, and sales amount of the contestant.”

Therefore, claims 27, 34, and 35 are also allowable at least for reasons similar to those set forth above with respect to claim 1. Claim 30 depends from claim 29 and is therefore also allowable. Applicant respectfully traverses the rejection of claim 30 but does not expressly argue the rejection herein in light of the allowability of the underlying base claim.

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Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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